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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,116	06/30/2006	Hidehiko Oota	050850-07105	5093
53980	7590	07/22/2009		
Dickinson Wright PLLC James E. Ledbetter, Esq. International Square 1875 Eye Street, N.W., Suite 1200 Washington, DC 20006			EXAMINER ASHFORD, TAMARA R	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 07/22/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/585,116

Applicant(s)

OOTA, HIDEHIKO

Examiner

Tamara Ashford

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 6/30/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

This is in response to the application filed on June 30, 2006 in which claims 1-9 are presented for examination.

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on March 25, 2004. It is noted, however, that applicant has not filed a certified copy of the 2004-88158 application as required by 35 U.S.C. 119(b).

Drawings

2. The drawings were received on June 30, 2006. These drawings are accepted.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

4. The abstract of the disclosure is objected to because it exceeds the 150 word limit. Correction is required. See MPEP § 608.01(b).

Claim Objections

5. Claim 5 is objected to because of the following informalities:

- "disk apparatus" should be changed to -- disk drive apparatus -- in claims 1-9 to clarify the scope of the invention
- "disk apparatus according to claim 1" should be changed to -- disk apparatus according to claim 4 -- in claim 5. As written, "said resilient member" in line 2, lacks antecedent basis because a resilient member is not identified in claim 1 from which this claim depends.

Appropriate correction is required.

Allowable Subject Matter

6. Claims 1-4 and 6-9 are allowed. The following is a statement of reasons for the indication of allowable subject matter:

The closest prior art reference is Kato (US 20020067687 A1). Regarding claims 1, and 9, Kato discloses a disk apparatus (Fig. 1A, and Paragraph 29) comprising a chassis outer sheath (Fig. 1A, 10, and Paragraph 30) having a base body (Fig. 1A, 11), a lid (Fig. 1A, 12), and a disk inserting opening (Fig. 1A, 13) into which a disk is directly inserted. A spindle motor (Fig. 1B, 27) and a pickup (Fig. 1B, 31) are held by a traverse (Fig. 1B, 25, and Paragraph 36) provided on the base body. A slider mechanism (Fig. 1A, 52, 53, and Paragraph 53) is disposed on one end of the traverse. The slider mechanism includes a vertically moving cam mechanism (Fig. 1A, 53) which brings the traverse close to and away from the base body. A cam groove (Fig. 1A 54) of the vertically moving cam mechanism comprises a first cam portion (Fig. 1A, 54a) and a second cam portion (Fig. 1A, 54b). Kato does not disclose or

reasonably suggest the first cam portion moves together with the slider mechanism and the second cam portion is displaced with respect to the first cam portion. Kato also does not disclose or reasonably suggest that when a vertically moving pin of the vertically moving cam mechanism exceeds a predetermined height in the cam groove, the second cam portion rises and the second cam portion limits movement of the vertically moving pin, and when the vertically moving pin is equal to or lower than the predetermined height in the cam groove, the second cam portion is held at its lowered position. Claims 2-4, and 6-8 are allowable because they depend from claim 1 and as such would be allowable for the same reasons.

Conclusion

7. This application is in condition for allowance except for the formal matters discussed above with regard to the specification and claims.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references all disclose disc apparatus that have a traverse base that is moved vertically utilizing cam mechanisms:

- a. Kato (US 20020150027 A1)

- b. Kato (US 6,388,974 B1)
- c. Konno et al. (US 20030214896 A1)
- d. Abe (US 6,731,582 B2)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Ashford whose telephone number is (571)270-5877. The examiner can normally be reached on Mon-Fri 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (571)272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. A./
Examiner, Art Unit 2627

/Andrea L Wellington/
Supervisory Patent Examiner, Art
Unit 2627

